

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
TYSON,

Plaintiff,

v.

**ORDER**

THE TOWN OF RAMAPO, et al.,

17-CV-04990 (PMH)

Defendants.

-----X

PHILIP M. HALPERN, United States District Judge:

Defendants’ motion for summary judgment, Plaintiff’s opposition, and Defendants’ reply papers were filed on February 8, 2023. (Docs. 103-109). Multiple versions of the Rule 56.1 Statement have been submitted to the Court, but not all versions contain responses to each statement of fact. The version that appears to contain all parties’ responses to each statement of fact is Doc. 107-1 (“56.1 Stmt.”). Within that document is a “Counterstatement” which sets forth additional material facts in numbered paragraphs that begin again at number one.

In addition to the lack of clarity regarding the correct Rule 56.1 Statement and the confusion with the numbering therein, the Rule 56.1 Statement is replete with references to Bates Numbered documents that do not appear to have been included in the record presented to the Court, and to documents without citation to exhibit letter, Bates Number, or any other identifier. (*See, e.g.*, 56.1 Stmt. ¶ 8 (referencing “D00675”, “D241”, “D240”, and “D473”), ¶¶ 12, 13, 19 (referencing “D00676”), ¶ 22 (referencing “D00678”), ¶ 23 (referencing “memo dated May 15, 2014, and received by Town of Ramapo Police Department, June 25, 2014”), ¶ 24 (referencing “D00679”), ¶ 24 (referencing “April 28, 2014 letter from Dr. Scott Gottlieb”), and so on). The parties “cannot simply dump papers on the court and expect the court to sift through them to determine if some nugget is buried somewhere in that mountain.” *Emanuel v. Gap.*, No. 19-CV-

03617, 2022 WL 3084317, at \*5 (S.D.N.Y. Aug. 3, 2022) (quoting *Mirza v. Garnet Health*, No. 20-CV-00556, 2022 WL 826410, at \*2 n.6 (S.D.N.Y. Mar. 17, 2022)). “Judges are not like pigs, hunting for truffles buried in briefs or the record.” *Sea Trade Mar. Corp. v. Coutasodontis*, No. 09-CV-00488, 2015 WL 4998638, at \*4 (S.D.N.Y. Aug. 20, 2015).

Accordingly, the parties are directed to meet and confer and file, by April 28, 2023, a revised Rule 56.1 Statement with responses, that: (i) corrects the numbering so that each statement of fact (whether asserted by Defendants or Plaintiff) continues sequentially; (ii) corrects the references to Bates Numbers and to documents without citation to exhibit letter, Bates Number, or any other identifier, such that the references are made only to an Exhibit Letter (or Number) and ECF page number, as filed on the docket (*i.e.*, a reference to “Exhibit A at 6” would indicate to the Court that the parties were citing page 5 of Ms. Tyson’s transcript); and (iii) only references evidence that is part of the record submitted to the Court. In connection with item (iii), to the extent the parties cite to evidence in the Rule 56.1 Statement that has not been submitted to the Court, they shall file supplemental affidavit(s) annexing those documents as exhibits thereto, using Exhibit Letters (or Numbers) continuing from the prior submission (*i.e.*, if Exhibit GG was the last exhibit submitted on the motion, these supplemental exhibits would begin at Exhibit HH).

**SO ORDERED:**

Dated: White Plains, New York  
April 21, 2023



---

Philip M. Halpern  
United States District Judge